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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/702,630

10/31/2000

Robert G. Gally

81674.026 4196

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27496

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07/01/2005

PILLSBURY WINTHROP SHAW PITTMAN LLP

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SUITE 2800

LOS ANGELES, CA 90017

EXAMINER

BLOUNT, STEVEN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,630

Applicant(s)

GALLY ET AL.

Examiner

Steven Blount

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 4 - 9, 12 - 23 is/are rejected.
- 7) ☒ Claim(s) 2 - 3 and 10 - 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,101,170 to Doherty et al in view of U.S. patent 6,108,702 to Wood.

With regard to claim 1, Doherty et al teaches a local switch querying a remote switch for destination address information in col 11, lines 30+. Storage of the address is implied in col 11 lines 32+, since it states that the source end can then send packets directly to the destination MAC address.

It is further stated in col 11 lines 5+ that an SCS is used by the host to register "end system addresses and port locations of the host switch." It is not stated, however, that these end system addresses, including that of the host switch itself, are registered by first sending a response frame to the remote switch, and then having the remote switch issue a command telling the local switch to update its forwarding database table with information regarding the source address associated with the local switch receiving port (though it does state that snooping is used to discover addresses and ports in col 11 lines 16+).

Wood teaches a central node which not only collects switching device information, but also assigns local port numbers to the devices on the network as well. See col 3 lines 35+ and col 3 lines 43+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the SCS of Doherty et al tell the local switch to update its forwarding database with the local source address associated with a device on the switch, in light of the teachings of Wood, in order to form a more complete view of the connections associated with the devices on the local switching device.

With regard to claim 4, sending information in the manner of appended words is well known in the art.

With regard to claim 5, Ethernet is discussed in col 10 lines 40+.

With regard to claim 6, logic for inserting the MAC address is inherent in the teachings of Doherty et al.

With regard to claim 7, it would be obvious to have the unknown address frames have higher priority so that it is assured they will reach their destination over less critical application packets.

With regard to claim 8, a device that sends the frames is inherent in the teachings of Doherty et al.

With regard to claims 9 and 11 - 12, see the rejection of claim 1.

With regard to claim 13, see the discussion of Ethernet above.

With regard to claims 14 - 18, see the rejections above.

With regard to claim 19, the header of the frame is known to carry information such as appended words.

With regard to claims 20 - 21, see the rejections above.

With regard to claims 22 - 23, the egress and ingress switch is a remote switching processing device.

3. Claims 2 – 3 and 10 – 11 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten to include the limitations of the base claims and any intervening claims.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 - 272 - 3071. The examiner can normally be reached on M-F 9:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached on 571 – 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ajit Patel
Primary Examiner

SB

6/25/05